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AD6917USNA

Response

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

JOHN CHU CHEN

CASE NO.: AD6917 USNA

APPLICATION NO.: 10/669,957

GROUP ART UNIT: 3711

FILED: SEPTEMBER 24, 2003

EXAMINER: R. GORDON

FOR: GOLF BALLS WITH SOFT, RESILIENT
BIMODAL IONOMERIC COVERS**RESPONSE**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed December 2, 2004, wherein the restriction requirement was made final; Claims 1 and 12 were rejected; and Claims 2 - 11 were objected to, the Applicant hereby withdraws Claims 13-22 from consideration without prejudice, and respectfully requests reconsideration of the rejection in view of the following remarks.

Traverse

The Examiner has rejected Claims 1 and 12 as obvious under 35 U.S.C. §103(a) in view of Rajagopalan. The Examiner cites Rajagopalan as describing the Applicant's claimed composition, and therefore inherently having the same properties.

The Applicant respectfully disagrees. Rajagopalan does not describe the same composition as the Applicant. First, the Applicant describes a polymeric mixture comprising two polymeric components, one of which is an E/X/Y copolymer having a molecular weight within the range of from about 80,000 to about 500,000, and the second of which is an E/X copolymer having a molecular weight in the range of from about 2,000 to about 30,000. The molecular weight of a polymer is an important characteristic that can be determinative of several properties of a polymer or an article in which it is included. The Applicant has discovered that providing a mixture of ethylene copolymers having the composition and molecular weight

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as described in the application imparts a desirable blend of properties when used in a golf ball. This mixture is not described in Rajagopalan. In fact, the reference is substantially silent on the molecular weight of the materials used therein.

Further, Applicant respectfully contends that the composition described in Rajagopalan is not identical to the Applicant's composition and is better characterized as substantially different. Therefore the properties obtained by the Applicant cannot be inferred from the teaching of Rajagopalan because the polymeric compositions are at most only similar. Rajagopalan requires that an organic acid or salt thereof be present in the composition, and this is not a requirement in the practice of the present invention. It is only optional in Rajagopalan to include a second acid copolymer, while the present invention requires a second acid copolymer. While Rajagopalan does not provide guidance per se on the molecular weight of the second acid copolymer, the reference does describe the second acid copolymer as highly crystalline. This is not a property of the low molecular weight acid copolymers of the presently claimed invention. This provides further teaching away from the Applicant's claimed invention, which is an argument against a finding of obviousness.


The Applicant thanks the Examiner for acknowledging the allowable subject matter of Claims 2-11, and is appreciative of the comments made with regard to overcoming the objection to the Claims. At this time, however, the Applicant chooses to seek reconsideration of the rejected claims, without prejudice to the allowable subject matter of Claims 2-11.

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In view of the above remarks, the Applicant respectfully requests that the Examiner reconsider the rejections in view of the above arguments, and instead issue a Notice of Allowability for all pending claims.

Respectfully submitted,



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Dated: March 2, 2005